

### **REMARKS**

This is in response to the Office Action dated June 27, 2007. In view of the foregoing amendments and following representations, reconsideration is respectfully requested.

By the above amendment, claims 1, 3, 8, 17, 18, 20, 22, 25, 26 and 27 are amended; claims 6, 7, 24, and 29-44 are cancelled; and claim 45 is newly presented. Thus, claims 1-4, 8-18, 20-23, 25-28 and 45 are currently pending in the present application. Claims 5 and 19 are directed to a non-elected invention.

Initially, to facilitate the Examiner's reconsideration of the application, the specification and abstract have been reviewed and revised in order to make a number of minor clarifying and other editorial amendments. No new matter has been entered. Note that the changes to the abstract are submitted in the form of a substitute abstract. Copies of the amended portions of the specification, claims and abstract with changes marked therein are attached and entitled "Version with Markings to Show Changes Made."

Next, on page 2 of the Office Action, the Examiner indicates that reference AM (EP 0489332A1), which was cited in the IDS of April 6, 2006, has not been considered because it was not accompanied by an English translation. However, there is no requirement that an English translation be provided. MPEP 609.04(a) III explains that "non-English" information must include a concise explanation of relevance. This section states that if the reference was "cited in a search report or other action by a foreign patent office in a counterpart foreign application, the requirement for a concise explanation is satisfied by submitting an English-language version thereof which indicates the degree of relevance found by the foreign office."

This may be an “X”, “Y”, or “A” indication of a search report (see page 600-154). In this case, the IDS filed April 6, 2006 was accompanied by an International Search Report (in the English language), and the report indicated the degree of relevance of the reference. Thus, the IDS complied with the requirement for a concise explanation of relevance. Accordingly, the Examiner should have considered the reference. To ensure that the reference is considered, an English translation is submitted herewith. Applicants have also submitted the fee of \$180.00 out of an abundance of caution. The Office is requested to refund this fee in view of the fact that the reference should previously have been considered.

Next, on pages 2-3 of the Office Action, the specification is objected to as failing to provide proper antecedent basis for the “rupturing means” recited in claim 15. Support for this feature can be found at least in Fig. 9 (bag cutter 13), and the corresponding description of the eighth embodiment on page 46, line 20 to page 47, line 14. Accordingly, the Examiner is requested to withdraw the objection to the specification.

Next, on page 3 of the Office Action, claims 3, 4, 17, 18, 24, 25, 27 and 28 are rejected under 35 U.S.C. 112, second paragraph. In response, each of the claims including the phrase “one of 1 mL/24 hr atm or more and 10 mL/24 hr atm or more” has been amended to recite --1 mL/24 hr atm or more--. Also, the language “in proximity to” has been deleted in claims 24 and 25. Accordingly, it is submitted that the rejection under 35 U.S.C. 112, second paragraph is now obviated in view of the amendments to the claims.

Next, on pages 4-5 of the Office Action, claims 1-4 and 6 are rejected over the prior art. However, in view of the inclusion of allowable subject matter in each of the pending independent

claims, this ground of rejection need not be discussed.

Next, on page 5 of the Office Action, it noted with appreciation that claims 7-18 and 20-28 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Therefore, in order to place the application in condition for allowance, the limitations of allowable claim 7 have been incorporated into independent claim 1. Allowable claim 17 has been amended to include the limitations of base claim 1 and intervening claim 6. And allowable claim 18 has been amended to include the limitations of base claim 1 and intervening claim 6. Accordingly, independent claims 1, 17 and 18 are clearly allowable.


Claims 2-4, 8-16, 20-23, 25-28 and 45 depend, directly or indirectly, from one of the allowable claims, and are therefore allowable at least by virtue of their dependencies. Also, withdrawn claims 5 and 19 depend from allowable claims 1 and 17, respectively. Thus, the Examiner is requested to rejoin claims 5 and 19. Should the Examiner determine that claims 5 and 19 cannot be rejoined, then the Examiner is authorized to cancel these claims.

In view of the above, it is submitted that the present application is now clearly in condition for allowance. The Examiner therefore is requested to pass this case to issue.

In the event that the Examiner has any comments or suggestions of a nature necessary to place this case in condition for allowance, then the Examiner is requested to contact Applicant's undersigned attorney by telephone to promptly resolve any remaining matters.

Respectfully submitted,

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## Abstract

The main objects of the present invention, which ~~relates~~ relate to regenerative medical treatments, are to enable (i) storage and conveyance of harvested or cultured cells without contamination occurring (ii) simple injection of the cells into a living body. To achieve these objects, cells harvested from a living body, or cells obtained by culturing harvested cells, are stored in a syringe-type storage vessel and subsequently transplanted into a living body. It is preferable that at least a part of the storage vessel inner wall in contact with the cells is formed from a cell non-adhesive material. Besides enabling cells in the vessel to take in the oxygen they require to survive, the present invention also enables ~~cells~~ quick and easy transplantation of cells into a living body without a cell detachment process, because cells are prevented from adhering to the inside of the vessel. Further, it is preferable that a stored tissue regeneration composition contains cell culture microcarriers floating in a fluidity medium, and that the cell culture microcarriers are composed of a bioabsorbable material and have cells adhering to their surfaces. Using this kind of tissue regeneration composition, a regenerative treatment can be carried out satisfactorily by simply and quickly transplanting cells from the syringe-type cell storage vessel into a living body without intricate scaffold-related procedures being required.

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